



The Repair Shops Act & The Soldiers' Estates Act by Douglas A.S. Paterson, Q.C.

Manitobans are governed by many provincial acts which are rarely used or even known about – The Repair Shop Act and The Soldiers' Estates Act are two such examples.

The Repair Shop Act has been in force since 1987. It was meant to provide some certainty and a way out for many repair shop owners. We all know of times when ourselves or others have left a lawnmower for repair or shoes were taken to the shoemaker for attention. Very often the items are repaired but the owners have forgotten about them. Months later, the repair shop is stuck with the item and the cost of repair and lost profit. If the customer has fallen ill and is hospitalized for months, or even dies – then what does the shop keeper do?

This Act says if the goods left have actually been repaired but not paid for and picked up, after three months the shop keeper may notify the owner. It must be by registered mail to the last known address. The notice must state the goods are ready for delivery and they will be sold anytime three months after the

mailing of the notice (unless sooner paid for).

Once the three months notice expires, the shop keeper may sell the goods privately, or by auction. The proceeds are used to pay the original repair bill and the cost of any advertising. It is unclear if interest or storage fees may also be deducted. The answer would likely depend on what the original contract says.

Any balance of the sale proceeds left over shall be paid by the shop keeper to the owner of the goods. If the owner cannot be found to pay within three months of the sale date, then the monies must be paid to the provincial government Consolidated Fund. The original owner entitled to the monies can still make a claim for the monies owing within six years from the date the monies were received into the Consolidated Fund.

As for the Soldiers' Estates Act, how many of you know of this piece of legislation?

It says that Soldiers' who were/are Manitoba residents and who served (enlisted or called for

service) in the war against Germany and her allies after September 1, 1939 are eligible for the benefits of this Act. So too are those who served in Canada's regular forces after World War II ended and served in any war, armed conflict, or military action with those forces. Or, the member is also eligible under the act if he/she was outside Canada in any garrison, occupation force, or peace-keeping force to which Canada supplied or contributed assets.

The benefit under this act for eligible members is that no filing fees will be charged by the Court of Queen's Bench nor Manitoba Land Titles Offices for any estate or probate related matter – but the soldier must have died while on active service in the places mentioned earlier or as a consequence of that active service.